

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>5/01/2024</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

-against-

JACOB CARTER,

Defendant.

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ORDER

21 Cr. 681 (NSR) (01)

NELSON S. ROMÁN, U.S.D.J.:

On October 21, 2021, Jacob Carter (“Defendant”) was indicted on three counts: (1) conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349; (2) wire fraud in violation of 18 U.S.C. §§ 1343, 1342; and (3) aggravated identity theft in violation of 18 U.S.C. §§ 1028A(a)(1), 2(a). (ECF No. 20). That same day, a CJA 23 Financial Affidavit was approved by Magistrate Judge Judith C. McCarthy. (ECF No. 18). Similarly, on October 21, 2021, a hearing was held before Judge McCarthy where John S. Wallenstein (“Counsel Wallenstein”) appeared on behalf of Defendant as CJA Counsel. (*See* Minute Entry for proceedings held before Magistrate Judge Judith C. McCarthy: Initial Appearance as to Jacob Carter, Christal Ransom held on 10/21/2021).

On December 5, 2021, Defendant submitted a letter requesting a *Faretta* hearing so that he may proceed *pro se*. (ECF No. 40). The Court held a *Faretta* hearing on December 13, 2021, wherein the Court reserved decision. (Minute Entry for proceedings held before Judge Nelson Stephen Roman: (Faretta (pro se) Hearing held.) Status Conference as to Jacob Carter held on 12/13/2021). The Court subsequently granted Defendant’s request, finding that Defendant: (1) understood the nature of the proceedings and was competent to stand trial; (2) understood he has a right to an attorney throughout the proceedings; (3) had the mental capacity to conduct trial

proceedings by himself, put on his own defense at trial, and was competent to waive his right to counsel; and (4) clearly and unequivocally made a knowing, intelligent, voluntarily, and unequivocal request to proceed *pro se*. (ECF No. 42). John Wallenstein was appointed as standby counsel. (*Id.*)

The case proceeded to trial, which commenced on January 29, 2024 and concluded on February 9, 2024 with Defendant and his co-defendants each convicted on all three counts. (Minute Entry for proceedings held before Judge Nelson Stephen Roman: Jury Trial as to Jacob Carter, Quadri Salahuddin, Anwar Salahuddin held on 2/9/2024. Jury trial held (continued and concluded)).

In a letter dated March 26, 2024, Defendant requested that he be permitted to revoke his *pro se* status and further requested an attorney other than Counsel Wallenstein be appointed to represent him. (ECF No. 187). On April 18, 2024, Counsel Wallenstein submitted a letter requesting he be permitted to withdraw as standby counsel.

A hearing was held before this Court on April 24, 2024, during which the Court found Defendant knowingly, intelligently, voluntarily, and unequivocally requested that the Court revoke his *pro se* status and sought the appointment of counsel to represent him in this matter. The Court reappointed Counsel Wallenstein as CJA counsel in the interim while new counsel was located.

The Court has since been advised that Jill R. Shellow has agreed to represent Defendant. Accordingly, Counsel Wallenstein is hereby relieved as Defendant's counsel, and Jill R. Shellow is hereby appointed as counsel of record for all purposes moving forward effective May 1, 2024.

Counsel Wallenstein is directed to turn over his file to Counsel Shellow forthwith. Counsel Wallenstein is further directed to mail a copy of this Order to Defendant and file proof of service on the docket.

Should Counsel Shellow request an adjournment for any pending dates, she is directed to do so no later than May 15, 2024. With respect to Defendant's outstanding Motion for Judgment of Acquittal (ECF No. 175), Counsel Shellow is directed to submit a supplement, if any, no later than May 31, 2024. The Government is then directed to oppose by June 21, 2024. Any reply will then be due by July 8, 2024.

Dated: White Plains, New York
May 1, 2024

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a light blue rectangular background.

NELSON S. ROMÁN,
UNITED STATES DISTRICT JUDGE